

**OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT**

**Northern District of California**

**CIVIL MINUTES**

**Date:** May 24, 2017

**Time:** 38 minutes

**Judge:** EDWARD M. CHEN

**Case No.:** [17-md-02777-EMC](#)  
[and all members cases](#)

**Case Name:** In re Chrysler-Dodge-Jeep EcoDiesel  
Marketing, Sales Practices and Products Liability Litigation

**Attorney for Plaintiff United States:** Joseph W.C. Warren and Leigh P. Rende

**Attorney for Plaintiffs:** Elizabeth J. Cabraser, Adam J. Levitt, James Cecchi, Richard M. Hagstrom, Robert C. Gilbert, Eric H. Gibbs, Benjamin L. Bailey, Amy Zeman, Michael Heygood, J. Gerard Stranch, IV, Tina Wolfson, W. Daniel Miles, III, Richard P. Rouco, Nicomedes Sy Herrera, Steve W. Berman, Lesley Weaver, Stacey P. Slaughter, Lynn Lincoln Sarko, Gretchen Freeman Cappio, Charles Miller, D. Anthony Mastando, Rachel L. Jensen, Joseph F. Rice, Jennifer R. Scullion, James C. Shah, Eric J. Artrip, David S. Stellings, Francis O. Scarpulla, David S. Casey, Jr., Cathy K. Smith, Todd A. Seaver, Theodore J. Leopold, Joseph R. Saveri, Roland Tellis, and Sharon S. Almonrode

**Attorney for Defendant:** Robert J. Giuffra, Jr., Darrell S. Cafasso and Matthew Slater

and all other parties listed in Courtcall's 5/24/17 schedule appeared by telephone

**Deputy Clerk:** Betty Lee

**Court Reporter:** Pam Batalo

**PROCEEDINGS**

- INITIAL CONFERENCE

**SUMMARY**

Joseph Warren of the United States Department of Justice informed the Court that an MDL notice has been filed on the government's suit in the Eastern District of Michigan and expects the case will be transferred to this Court. Attorney Robert Giuffra for FCA informed the Court that FCA's submission of a proposed software for May 2017 vehicles is still pending before the EPA and CARB. Attorney Joseph Warren for the United States could not predict how long it will take for the EPA to act on the application. There is a state court MDL case pending in Texas. Defendants FCA and Bosch reaffirmed the breadth of litigation hold which extends to foreign custodians. FCA has directed its employees to preserve all text messages that may relate to this action. The Court emphasized the urgency in obtaining a resolution whether by settlement or adjudication in light of the allegations that there are over 100,000 vehicles on the road whose emissions currently exceed legal limits and that the Court is not inclined to stay the matter pending action by the EPA and CARB on FCA's proposed software fix. Hearing on Motions to Appoint Plaintiffs' Lead Counsel and Steering Committee is scheduled for 6/14/17 at 10:00 a.m.